

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION**

**GARAN, INCORPORATED and
GARAN SERVICES CORPORATION,
PLAINTIFFS,
v.
MANIMAL, LLC,
DEFENDANT.**

Case No. 3:20-cv-00623-IM

ORDER AND FINAL JUDGMENT

For the reasons stated in the Court's January 25, 2022 Opinion and Order [ECF 70] and February 11, 2022 Minute Order [ECF 79], Defendant's Motion for Summary Judgment [ECF

37] is **DENIED** and Plaintiffs' Cross-Motion for Summary Judgment [Dkt. Nos. 42, 43] is **GRANTED IN PART** as to the First Claim for Relief of the Complaint and **DENIED IN PART** as moot as to the Fifth Claim for Relief of the Complaint, and it is hereby **ORDERED** that the TTAB's decision dismissing the opposition to U.S. Trademark Application Serial No. 85/511,299 is **REVERSED**, and it is further **ORDERED** that the Director of the U.S. Patent and Trademark Office refuse U.S. Trademark Application Serial No. 85/511,299 for the MANIMAL mark under Section 2(d) of the Trademark Act of 1946, 15 U.S.C. § 1052(d).

It is further **ORDERED** that the Second, Third and Fourth Claims for Relief of the Complaint be dismissed, with prejudice.

It is further **ORDERED** that the Fifth Claim for Relief of the Complaint be dismissed, without prejudice.

It is further **ORDERED** that each party shall bear its own attorney's fees and costs in connection with this action.

The Court shall retain jurisdiction to the maximum extent permitted by law to enforce the terms of the parties' Settlement Agreement.

IT IS SO ORDERED.

April 7, 2022

Date

/s/ Karin J. Immergut

Hon. Karin J. Immergut
United States District Judge